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ILLINOIS

DAIRY AND FOOD  
LAWS

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IN FORCE  
JULY 1, 1907

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Illinois State Food Commission.

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ALFRED H. JONES, *Commissioner*.

H. E. SCHUKNECHT, *Assistant Commissioner*.

T. J. BRYAN, PH.D., *State Analyst*.

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OFFICE AND LABORATORY:  
MANHATTAN BUILDING, CHICAGO.



## ILLINOIS DAIRY AND FOOD LAWS.

AN ACT to prevent fraud in the sale of dairy products, their imitation or substitutes, to prohibit and prevent the manufacture and sale of unhealthful, adulterated or misbranded food, liquors or dairy products, to provide for the appointment of a State Food Commissioner and his assistants, to define their powers and duties and to repeal all acts relating to the production, manufacture and sale of dairy and food products and liquors in conflict herewith.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:*

PROVISION FOR APPOINTMENT OF A STATE FOOD COMMISSIONER AND THE ESTABLISHMENT OF A STATE FOOD DEPARTMENT.] That the Governor shall appoint a commissioner, who shall be known as the State Food Commissioner, who shall be a citizen of the State of Illinois, and who shall hold his office for the term of four years and until his successor is appointed and qualified, and who shall receive a salary of thirty hundred dollars per annum and his necessary expenses incurred by him in the discharge of his official duties, and who shall be charged with the enforcement of all laws that now exist or that hereafter may be enacted in this State regarding the production, manufacture, sale and labeling of food as herein defined, and to

prosecute or cause to be prosecuted any person, firm or corporation, or agent thereof, engaged in the manufacture or sale of any article manufactured or sold in violation of the provisions of any such law or laws. The Governor shall also appoint from time to time, as required, a Food Standard Commission, for the purpose of determining and adopting standards of quality, purity or strength, for food products, for the State of Illinois, to consist of three members, one of whom shall be the State Food Commissioner or his representative, who shall serve without extra pay; one of whom shall be a representative of the Illinois Food Manufacturing Industries and one of whom shall be an expert food chemist of known reputation, all to be citizens of the State of Illinois, who shall receive fifteen dollars (\$15.00) per day for a period not exceeding thirty (30) days in one year and necessary expenses incurred during the time employed in the discharge of their duties: *Provided*, that said Food Standard Commission, in determining and adopting a standard of quality, purity or strength, of milk or cream, shall fix such standard as may be determined solely by the examination and test of milk or cream and the can or receptacle in which it is placed.

The said commissioner is hereby authorized to appoint, with the advice and consent of the Governor, one assistant commissioner, who shall be a practical dairyman, whose salary shall be \$2,000 per annum and expenses incurred in official duties. One chief chemist, who shall be known as State Analyst, whose salary shall be \$2,500 and expenses incurred in the discharge of official duties. One attorney, whose salary shall be \$1,800 per annum and expenses incurred in the discharge of official duties. One chief clerk, whose salary shall be \$1,800 per annum and expenses incurred in discharge of official duties. Said commissioner shall also have authority to appoint five analytical chemists, whose salary shall be \$1,200 per annum each; twelve inspectors, whose salary shall be

\$1,200 per annum and the necessary expenses incurred in the performance of their duties. Three (3) stenographers at \$900 and one assistant clerk at \$900 each.

The said commissioner shall make annual reports to the Governor not later than the 15th of January, of his work and proceedings, and shall report in detail the number of inspectors he has appointed and employed, with their expenses and disbursements and the amount of salary paid the same, and he may from time to time issue bulletins of information, when in his judgment the interests of the State would be promoted thereby.

The said commissioner shall maintain an office and laboratory, where the business of said department may be conducted. This section shall not affect the term of office of the present commissioner, and he shall be regarded as having been appointed under the provisions of this Act.

§ 2. POWER OF COMMISSIONER AND INSPECTORS MAKING INSPECTION.] The State Food Commissioner, and such inspectors and agents as shall be duly authorized for the purpose, when and as often as they may deem it necessary for the purpose of determining whether any manufactured food complies with the law, shall examine the raw materials used in the manufacture of food products and determine whether any filthy, decomposed or putrid substance is used in their preparation. They may also examine all premises, carriages or cars where food is manufactured, transported, stored or served to patrons, for the purpose only of ascertaining their sanitary condition and examining and taking samples of the raw materials and finished products found therein; but nothing in this act shall be construed as permitting such officers to inquire into, or examine methods or processes of manufacture, or requiring or compelling proprietors or manufacturers, or packers of proprietary or other food products, to disclose trade rights or secret processes, or methods

of manufacture. Said commissioner, inspectors and agents shall also have power and authority to open any package, can or vessel, containing or supposed to contain, any article manufactured, sold or exposed for sale, or held in possession with intent to sell, in violation of the provisions of this Act, or laws that now exist, or that may hereafter be enacted in this State, and may inspect the contents thereof, and may take samples therefrom for analysis. The employés of railroads, express companies or other common carriers, shall render to them all the assistance in their power, when so requested, in tracing, finding or disclosing the presence of any article prohibited by law, and in securing samples thereof as hereinafter provided for.

§ 3. REFUSAL TO ASSIST INSPECTOR A MISDEMEANOR.] Any refusal or neglect on the part of such employés of railroads, express companies or other common carriers, to render such friendly aid, or to furnish such samples for analysis, as provided for in section 2 of this Act, shall be deemed a misdemeanor, and shall be punished as hereinafter provided.

§ 4. The person taking such sample as provided for in section 2 of this Act, shall in the case of bulk or broken package goods divide the same into two equal parts, as nearly as may be, and in the case of sealed and unbroken packages he shall select two of said packages, which two said packages shall constitute the sample taken and, properly to identify the same, he shall, in the presence of the person from whom the same is taken, mark or seal each half or part of such sample with a proper seal or otherwise, and shall write his name thereon and number each part of said sample with the same number and also write thereon the name of the said dealer in whose place of business the sample is found, and the person from whom said sample is taken shall also write his own name thereon, and at the same time the



person taking said sample shall give notice to such person from whom said sample is taken that said sample was obtained for the purpose of examination by the State Food Commissioner. One part of said sample shall be taken by the person so procuring the same to the State Analyst or other competent person appointed for the purpose of making examinations or analyses of samples so taken, and the person taking such sample shall tender to the person from whom it is taken the value of that part thereof so retained by the person taking said sample; the other part of said sample shall be delivered to the person from whom said sample is taken. If the person from whom said sample is taken has recourse upon the manufacturer or guarantor, either by operation of law or under contract for any failure of the part of said sample to comply with the provisions of this Act, then said person from whom said sample is taken shall retain for the period of ninety days that part of said sample so delivered to him in order that said manufacturer or guarantor may have the same examined or analyzed if he so desires.

*Provided*, that the person procuring said sample may securely pack and box that part thereof retained by him and send the same to the State Analyst, or other competent person appointed hereunder for the purpose of making examinations or analyses of samples, and his testimony that he did procure the sample and that he sealed and numbered the same as herein provided, and that he wrote his name thereon and that he packed and boxed said part thereof and sent the same to the State Analyst, or other competent person appointed hereunder to analyze such sample, and the testimony of the person to whom said package or box is addressed that he received the same in apparent good order, that said sample was sealed, and that the number thereof and name of the sender, as herein provided for, was on said sample, and that the seal at the time the same

was received was unbroken, shall be *prima facie* evidence that the sample so received is the sample that was sent, and that the contents thereof are the same and in the same condition as at the time the person so procuring said sample parted with the possession thereof, and the testimony of said two witnesses as above shall be sufficient to make such *prima facie* proof.

§ 5. MANUFACTURING ADULTERATED OR MISBRANDED FOOD MISDEMEANOR.] It shall be unlawful for any person to manufacture for sale within the State of Illinois any article of food or drink which is adulterated or misbranded within the meaning of this Act, and any person who shall violate any of the provisions of this section shall be guilty of a misdemeanor and on conviction thereof shall be punished according to the provisions of this Act.

*Provided*, that no article of food shall be deemed misbranded or adulterated within the provisions of this Act when intended for export to any foreign country or purchaser, and prepared or packed according to the specifications or directions of the foreign country to which said article is intended to be shipped; but if said article shall be in fact sold or offered for sale for domestic use or consumption, then this proviso shall not except said article from the operation of any of the other provisions of this Act.

§ 6. POSSESSION MISBRANDED OR ADULTERATED ARTICLES PROHIBITED.] The having in possession of any article of food or drink which is misbranded or adulterated with intent to sell the same, is hereby prohibited; and whoever shall have in his possession with the intent to sell, sell or offer for sale any article which is adulterated or misbranded within the meaning of this Act, shall be guilty of a misdemeanor, and on conviction thereof shall be punished as hereinafter provided. Proof that any person, firm or corporation has or had

possession of any article which is adulterated or misbranded shall be *prima facie* evidence that the possession thereof is in violation of this section.

§ 7. TERM FOOD DEFINED.] The term "food," as used herein, shall include all articles used for food, drink, confectionery or condiment by man or other animals, whether simple, mixed or compound, and any substance used as a constituent in the manufacture thereof.

§ 8. DEFINES ADULTERATION.] That for the purpose of this Act an article shall be deemed to be adulterated—

In case of confectionery:

*First*—If it contains terra alba, barytes, talc, chrome yellow, paraffin, mineral fillers or poisonous substances, or poisonous color or flavor.

*Second*—If it contains any ingredient deleterious or detrimental to health, or any vinous, malt or spiritous liquor or compound, or narcotic drug.

In case of food:

*First*—If any substance has been mixed or packed with it so as to reduce or lower or injuriously affect its quality, strength or purity.

*Second*—If any substance has been substituted wholly or in part for the article.

*Third*—If any valuable constituent of the article has been wholly or in part abstracted: *Provided*, that in the manufacture of skim or separated cheese the whole or part of the butter fats in the milk may be abstracted.

*Fourth*—If it be mixed, colored, powdered, coated, polished or stained in any manner whereby damage or inferiority is concealed, or it is made to appear better or of greater value than it really is.

*Fifth*—If it contains any added poisonous or other added deleterious ingredient which may render such article injurious to health: *Provided*, that when in the preparation of food products for

shipment they are preserved by an external application, applied in such a manner that the preservative is necessarily removed mechanically, or by maceration in water, or otherwise, and directions for the removal of said preservatives shall be printed on the covering of the package, the provisions of this Act shall be construed as applying only when such products are ready for consumption; and formaldehyde, hydrofluoric acid, boric acid, salicylic acid and all compounds and derivatives thereof are hereby declared unwholesome and injurious.

*Sixth*—If it consists in whole or in part of a filthy, decomposed or putrid, infected, tainted or rotten animal or vegetable substance or article, or any portion of an animal unfit for food, whether manufactured or not, or if it is the product of a diseased animal, or one that has died otherwise than by slaughter.

§ 9. MISBRANDED DEFINED.] The term "misbranded," as used herein, shall apply to all articles of food or drink, or articles which enter into the composition of food or drink, the packages or label of which shall bear any statement, design or device regarding such article, or the ingredients or substance contained therein which shall be false or misleading in any particular; and to any such products which are falsely branded as to manufacturer, packer or dealer who sells the same or as to the state, territory or country in which it is manufactured or produced. That for the purpose of this Act an article shall be deemed misbranded—

In case of food:

*First*—If it be an imitation of or offered for sale under the distinctive name of another article.

*Second*—If it be labeled or branded so as to deceive or mislead the purchaser, or purports to be a foreign product when not so, or if the contents of the package as originally put up shall have been removed in whole or in part and other con-

tents shall have been placed in such package, or if it shall fail to bear a statement on the label of the quantity or proportion of any morphine, opium, cocaine, heroin, alpha or beta eucaine, chloroform, cannabis indica, chloral hydrate or acetanilid, or any derivative or preparation of any such substances contained therein.

*Third*—If in any package form and the contents are stated in terms of weight or measure, they are not correctly and plainly stated on the outside of the package.

*Fourth*—If it be a manufactured article of food or food sold in package form, and is not distinctly labeled, marked or branded with the true name of the article, and with either the name of the manufacturer and place of manufacture or the name and address of the packer or dealer who sells the same.

*Fifth*—If the package containing it or its label shall bear any statement, design or device regarding the ingredients of the substance contained therein, which statement, design or device shall be false or misleading in any particular: *Provided*, that an article of food which does not contain any added poisonous or deleterious ingredients shall not be deemed to be adulterated or misbranded in following cases:

*First*—In case of mixtures or compounds which may be now, or from time to time hereafter known as articles of food under their own distinctive names, and not an imitation of or offered for sale under the distinctive name of another article, if the name be accompanied on the same label or brand with a statement of the place where the article has been manufactured or produced.

*Second*—In case of articles labeled, branded or tagged so as to plainly indicate that they are compounds, imitations or blends, and the word "compound," "imitation" or "blend," as the case may be, is plainly stated on the package in which it is offered for sale: *Provided*, that the term "blend," as used herein, shall be construed to mean a mixture of like substances, not excluding harmless col-

oring or flavoring ingredients used for the purpose of coloring and flavoring only; and as applied to alcoholic beverages, only those distilled spirits shall be regarded as "like substances" which are distilled from the fermented mash of grain and are of the same alcoholic strength: *And, provided, further*, that nothing in this Act shall be construed as requiring or compelling proprietors or manufacturers of proprietary foods, which contain no unwholesome added ingredients, to disclose their trade formulas, except in so far as the provisions of this Act may require to secure freedom from adulteration or misbranding.

*Third*—In the case of mixtures of corn syrup (glucose) or corn sugar (dextrose) or corn sugar syrup, with cane or beet sugar (sucrose) or cane or beet sugar syrup, in food, if the maximum percentage of corn syrup (glucose), or corn sugar (dextrose) or corn sugar syrup, in such article of food be plainly stated on the label.

§ 10. CONFISCATION AND CONDEMNATION OF MISBRANDED OR ADULTERATED FOODS.] Any article of food or drink or liquor that is adulterated or misbranded within the meaning of this Act, and is being sold or offered for sale within the State of Illinois, shall be liable to be proceeded against in any circuit court, or the Superior Court of Cook county, or the municipal court of any city, or before any justice of the peace within whose jurisdiction the same may be found, and seized for confiscation by process of law or condemnation. And if such article is condemned as being adulterated or misbranded, or of a poisonous or deleterious character within the meaning of this Act, the same shall be disposed of by destruction or sale, as the said court may direct, and the proceeds thereof, if sold, less the legal costs and charges, shall be paid into the treasury of the State of Illinois and credited to the fund of the State Food Commission, to be used in the enforcement of the



State food laws, but such goods shall in no instance be sold contrary to the provisions of this Act: *Provided, however*, that upon the payment of the costs of such libel proceedings and the execution and the delivery of a good and sufficient bond to the effect that such articles shall not be sold or otherwise disposed of contrary to the provisions of this Act, the court may, by order, direct that such articles be delivered to the owner thereof. Either party may demand trial by jury upon any issue of fact joined in any such case, and all such proceedings shall be at the suit of and in the name of the People of the State of Illinois.

§ 11. VINEGAR TO BE BRANDED.] All vinegar made by fermentation and oxidation without the intervention of distillation, shall be branded with the name of the fruit or substance from which the same is made. All vinegar made wholly or in part from distilled liquor shall be branded "distilled vinegar," and shall not be colored in imitation of cider vinegar. All vinegar shall be made wholly from the fruit or grain from which it purports to be or is represented to be made, shall contain no foreign substance, and shall contain not less than four *per cent*, by weight, of absolute acetic acid.

§ 12. EXTRACTS TO BE LABELED.] Extracts made of more than one principle shall be labeled in a conspicuous manner with the name of each principle, or else with the name of the inferior or adulterant; and in all cases when an extract is labeled with two or more names, such names must be in a conspicuous place on said label, and in no instance shall such mixture be called imitation, artificial or compound, and the name of one of the articles used shall not be given greater prominence than another: *Provided*, that all extracts which cannot be made from the fruit, berry, bean or other part of the plant, and must necessarily be made artificially, as raspberry, strawberry, etc., shall be labeled "imitation," in letters similar in

size and immediately preceding the name of the article: *Provided, further*, that prepared cocoanut, containing nothing other than cocoanut, sugar and glycerine, shall be labeled as prepared cocoanut, and when so made need not be labeled "compound" or "mixture."

§ 13. BAKING POWDER—HOW LABELED.] No person by himself, his servant or his agent, or as the servant of any other person, shall, *first*, make or manufacture baking powder or any other mixture or compound intended for use as baking powder; *second*, or sell, exchange, deliver or offer for sale or exchange such baking powder or any mixture or compound intended for use as baking powder, unless the same shall contain not less than ten per cent available carbon dioxide and unless the common names of all the ingredients be printed on the label.

§ 14. ADULTERATED SPIRITUOUS, MALT OR VINOUS LIQUORS PROHIBITED.] No person shall, within this State, by himself, his servant or agent, or as a servant or agent of any other person or corporation, manufacture, brew, distill, have or offer for sale, or sell any spirituous or fermented or malt liquor, containing any drug, substance or ingredient not healthful or not normally existing in said spirituous, fermented or malt liquor, or which may be deleterious or detrimental to health when such liquors are used as a beverage, and the following drugs, substances or ingredients shall be deemed to be not healthful and shall be deemed to be deleterious or detrimental to health when contained in such liquors, to-wit: Cocculus indicus, copperas, opium, cayenne pepper, picric acid, Indian hemp, strychnine, arsenic, tobacco, darnel seed, extract of logwood, salts of zinc, copper or lead, alum, methyl alcohol and its derivatives and any extracts or compound of any of the above



drugs, substances or ingredients, and any person violating any of the provisions of this section shall be deemed guilty of a misdemeanor.

§ 15. MUTILATING LABEL PROHIBITED.] Whoever shall deface, change, erase or remove any mark, label or brand provided for by this Act with intent to mislead, deceive or to violate any of the provisions of this Act, shall be held liable to the penalties of this Act.

§ 16. SALE OF UNCLEAN OR UNWHOLESOME MILK FOR CONSUMPTION AND UNSANITARY CONTAINERS PROHIBITED.] No person, firm or corporation shall offer for sale, or sell to any person, firm or corporation, creamery or cheese factory, any unclean, unhealthful, unwholesome or adulterated milk or cream, or any milk or cream which has not been well cooled or to which water or any foreign substance has been added, or milk or cream which has been handled or transported in unclean or unsanitary vessels or containers: *Provided*, that nothing in this section shall be construed to prevent the sale of skim milk to factories engaged in the manufacture of skim milk products, nor the sale of skim milk under the provisions of section 19 of this Act.

§ 17. PERSONS RECEIVING MILK TO WASH CANS.] Any person, firm or corporation who receives from any other person, firm or corporation, any milk or cream in cans, bottles or vessels which have been transported over any railroad or boat line, where such can, bottles or vessels are to be returned, shall cause the said cans, bottles or vessels to be emptied before the said milk or cream contained therein shall become sour, and shall cause said cans, bottles or vessels to be immediately washed and thoroughly cleansed and aired.

§ 18. NOT TO MANUFACTURE FOOD FROM IMPURE OR UNCLEAN MILK OR CREAM.] No person, firm or corporation shall manufacture from unclean, im-

pure, unhealthful or unwholesome milk, or from cream from the same, any article of food.

§ 19. SALE OF SKIM MILK—CANS—HOW LABELED.] No person, firm or corporation shall sell, or expose for sale, or have in his possession with intent to sell, in any store or place of business, or on any wagon or other vehicle, used in transporting milk from which cream has been removed, any such milk or milk commonly called "skim milk" without first attaching to the can, vessel or other package containing said milk, a tag with the words "skim milk" printed on both sides of said tag in large letters, each letter being at least three-fourths of an inch high and one-half inch wide. Said tag shall be attached to the top or side of said can, vessel or package where it can be easily seen.

§ 20. INSTRUMENTS FOR MEASURING MILK AND CREAM STANDARDS.] The State standard milk measure or pipettes shall have for milk a capacity of seventeen and six-tenths cubic centimeters, and the State standard test tube or bottles for milk shall have a capacity of two cubic centimeters of mercury at a temperature of sixty degrees Fahrenheit between "zero" and ten on the graduated scale marked on the necks thereof. For cream, eighteen grams shall be used, and the standard test tubes or bottles for cream shall have a capacity of six cubic centimeters of mercury at a temperature of sixty degrees Fahrenheit between "zero" and thirty on the graduated scale marked on the necks thereof, and it is hereby made a misdemeanor to use any other measure, pipette, test tube or bottle to determine the per cent of butter fat where milk or cream is purchased by, or furnished to creameries or cheese factories, and where the value of said milk is determined by the per cent of butter fat contained in the same. Any manufacturer, merchant, dealer, or agent in this State who shall offer for sale or sell a cream or milk pipette or measure, test tube or bottle which is not correctly marked or gradua-

ted, as herein provided, shall be guilty of a misdemeanor and upon conviction thereof shall be punished as provided in this Act.

§ 21. UNDERREADING BABCOCK TEST PROHIBITED.] It shall be unlawful for the owner, manager, agent or any employé of a creamery or cheese factory to manipulate or underread the Babcock test, or any other contrivance used for determining the quality or value of milk, or to falsify the record thereof, or to pay for such milk on the basis of any measurement except the true measurement, as thereby determined.

§ 22. SALE OF PRESERVATIVES PROHIBITED.] No person, firm or corporation shall manufacture for sale, advertise, offer or expose for sale, or sell, any mixture or compound intended for use as a preservative or other adulterant of milk, cream, butter or cheese, nor shall he manufacture for sale, advertise, offer or expose for sale, or sell any unwholesome or injurious preservative or any mixture or compound thereof intended as a preservative of any food: *Provided, however*, that this section shall not apply to pure salt added to butter and cheese.

§ 23. VEHICLES TO BE MARKED.] Any person, firm or corporation, who shall in any of the cities, incorporated towns or villages of this State which contains a population of 5,000 or over, engage in or carry on a retail business in the sale or exchange of, or any retail traffic in milk or cream, shall have each and every carriage or vehicle from which the same is vended, conspicuously marked with the name of such vendor on both sides of such carriage or vehicle.

§ 24. ILLEGAL LARD.] No person shall, within this State, manufacture for sale, have in his possession with intent to sell, offer or expose for sale, or sell, as lard, any substance not the legitimate and exclusive product of the fat of the hog.

§ 25. LARD SUBSTITUTE.] No person shall manufacture for sale within this State, or have in his

possession with intent to sell, offer or expose for sale, or sell, as lard, or as a substitute for lard, or as an imitation of lard, any mixture or compound which is designed to take the place of lard and which is made from animal or vegetable oils or fats other than the fat of the hog, or any mixture or combination with any animal or vegetable oils or fats, unless the tierce, barrel, tub, pail or package containing the same shall be distinctly and legibly branded or labeled with the name of the person, firm or corporation making the same, together with the location of the manufactory and the words "lard substitute" or "adulterated lard" or "compound," "imitation" or "blend," as the case may be, or unless the same shall be sold under its own distinctive name, as provided for in section 9 of this Act.

§ 26. PERSONS SELLING IMITATION OR SUBSTITUTE FOR LARD TO INFORM PURCHASER.] It shall be unlawful to sell or offer for sale any "lard substitute" or "adulterated lard" or "compound," "imitation" or "blend," as herein defined, without informing the purchaser thereof, or the person or persons to whom the same is offered for sale, that the substance sold or offered for sale is "lard substitute" or "adulterated lard" or "compound," "imitation" or "blend," as the case may be.

§ 27. SALE OF PROCESS BUTTER NOT BRANDED PROHIBITED.] No person, firm or corporation, agent or employé, shall manufacture for sale, sell, offer or expose for sale, in this State, any butter that is produced by taking original packing stock butter, or other butter, or both, and melting same so that the butter fat can be drawn off or extracted, then mixing the said butter fat with skimmed milk, or milk, or cream, or other milk product, and re-churning or reworking the said mixture, or that produced by any process that is commonly known as boiled, process or renovated butter, unless the same is branded or marked, as provided in section 28 of this Act.

§ 28. PROCESS BUTTER—HOW BRANDED.] No person, firm, corporation, agent or employé, shall sell offer or expose for sale, or deliver to a purchaser, any boiled, process or renovated butter, as defined in section 27 of this Act, unless the words "Renovated Butter" shall be plainly branded with gothic or bold face letters at least three-fourths of an inch in length on the top and sides of each tub, or box, or pail, or other kind of case or package, or on the wrapper of prints or rolls or bulk packages in which it is put up. If such butter is exposed for sale uncovered, or not in a case or package, a placard containing the label so printed shall be attached to the mass of butter in such a manner as to be easily seen and read by the purchaser. The branding or marking of all packages shall be in the English language, and in a conspicuous place so as to be easily seen and read by the purchaser.

§ 29. ILLEGAL FOODS TO BE SEIZED.] Whenever the commissioner or his agents shall have ground for suspicion that any article of food, found in possession of any person, firm or corporation, is adulterated or misbranded within the meaning of this Act, he may seize such article of food and make an inventory thereof, and shall leave a copy of such inventory with the party holding such suspected goods, and tag the same "suspected;" and he shall notify in writing the person, firm or corporation in whose possession it may be found, not to offer the same for sale or sell or otherwise dispose of the same until further notice in writing from the commissioner. Whereupon the commissioner shall forthwith cause a sample of said article of food to be examined or analyzed, and if the same shall be found to be adulterated or misbranded within the meaning of this Act, the commissioner shall proceed with a hearing and subsequent proceedings as provided in this Act. If, however, such examination or analysis shall show that such article of food complies with the provisions of this Act, the person, firm or corpora-

tion in whose possession such article of food is found shall forthwith be notified in writing that said seizure is released, and authority given to dispose of such article of food. Such seizure may be had without a warrant and said commissioner, and all inspectors and agents appointed pursuant to law, are hereby given full power and authority of "policemen." Any court having jurisdiction, upon receiving proof of probable cause for believing in the concealment of any food or dairy products or substitutes therefor, or imitation thereof, kept for sale or for a purpose, or had in possession or under control, contrary to the provisions of this Act, or other laws which now exist or may be hereafter enacted, shall issue a search warrant and cause a search to be made in any place therefor and to that end may cause any building, enclosure, wagon or car to be entered, and any apartment, chest, box, locker, tub, jar, crate, basket or package to be broken open and the contents thereof examined.

§ 30. SEARCH WARRANTS TO BE ISSUED FOR ILLEGAL FOOD.] All warrants issued pursuant to section 29 hereof shall be directed to the sheriff, bailiff or some constable of the county where such food or dairy products may be supposed to be concealed, commanding such officer to search the house or place where such food or dairy product, or substitute thereof, or imitation thereof, for which he is required to search, is believed to be concealed, which place and the property to be searched for, shall be designated in the warrant, and to bring such food or dairy product or substitute therefor or imitation thereof, when found, and the person in whose possession the same is found, before the magistrate who issued the warrant, or before some other court or magistrate having jurisdiction of the case to be proceeded against as hereinbefore provided for in section 10 of this Act.

§ 31. STATES ATTORNEY TO ASSIST.] It shall be the duty of the States Attorney in any county of this State when called upon by the commissioner,



or any of his assistants to render any legal assistance in his power to execute the law and to prosecute cases arising under the provisions of this Act: *Provided*, That no person shall be prosecuted under the provisions of this Act for selling or offering for sale any article of food or drugs as defined herein, when same is found to be adulterated or misbranded within the meaning of this Act, in the original unbroken package in which it was received by said person when he can establish a guaranty signed by the wholesaler, jobber, manufacturer or other party residing in this State, from whom he purchased such article, to the effect that the same is not adulterated or misbranded in the original unbroken package in which said article was received by said dealer, within the meaning of this Act, designating it. Said guaranty to afford protection, shall contain the name and address of the party or parties making the sale of such article to such dealer, and in such case said party or parties shall be amenable to the prosecutions, fines and other penalties as provided for in this Act: *Provided*, That no such guaranty shall operate as a defense to prosecutions for the violation of this Act. *First*. If the dealer shall continue to sell after notice by the State Food Commissioner that such article is adulterated or misbranded within the meaning of this Act. *Second*. If the dealer shall fail to preserve for the manufacturer or guarantor and deliver to him upon demand the sample left with him by the commissioner or his agent.

§ 32. STATE BOARD OF HEALTH TO FURNISH SAMPLES.] The State Board of Health may submit to the commissioner or any of his assistants samples of food or drink for examination or analysis, and shall receive special reports showing the results of such examination or analysis.

§ 33. STATE ANALYSTS SHALL NOT FURNISH CERTIFICATE OF PURITY.] It shall be unlawful for the State Analyst or any assistant State Analyst to furnish to any individual, firm or corporation any

certificate as to the purity or excellence of any article manufactured or sold by them to be used as food or in the preparation of food.

§ 34. USING SHIFT OR DEVICE.] The use of any shift or device to evade any of the provisions of this Act shall be deemed a violation of such provision and punishable as herein provided.

§ 35. MASTER'S LIABILITY, ETC.] Whoever shall, by himself or another, either as principal, clerk or servant, directly or indirectly, violate any of the provisions of this Act, shall be guilty of a misdemeanor and punished as herein provided.

§ 36. PENALTIES, LICENSE FEES AND PROCEEDS PAID TO STATE TREASURER. All fines, penalties, and all proceeds collected from goods confiscated and sold under the provisions of this Act and other laws relating to dairy and food products, and all license fees collected hereunder, shall be paid into the State Treasury.

§ 37. LABEL—SIZE OF TYPE.] The principal label on any package of food, as defined by this Act, shall be printed plainly and legibly in English with or without the foreign label in the language of the country where the product is produced or manufactured and the size of type, if not otherwise described in this Act, shall be not smaller than EIGHT-POINT (BREVIER) CAPS: *Provided*, That in case the size of the package will not permit the use of eight-point cap type, the size of the type may be reduced proportionately.

§ 38. FOOD COMMISSIONER TO MAKE RULES AND REGULATIONS.] The State Food Commissioner shall make rules and regulations for carrying out the provisions of this Act, and shall have power to make rules and regulations for the analyzing and reporting the results thereof, of articles submitted for analysis by the State Board of Health, and regulating the analyzing and reporting thereon of samples taken under any law or laws of the United States by any person hereunder, or furnished by any officer or employé charged with the enforce-



ment of the laws of the United States relative to the manufacture, sale or transportation of adulterated, misbranded, poisonous or deleterious foods, dairy products or articles manufactured from dairy products or liquors.

§ 39. STANDARD OF PURITY AND STRENGTH.] In the enforcement of this Act, and in the construction thereof, the following named articles of food-stuffs, when offered for sale or exposed for sale, or sold, shall conform to the analytical requirements set opposite each respectively.

*Milk* shall contain not less than three (3) per cent of milk fat and not less than eight and one-half (8.5) per cent of solids, not fat.

*Condensed Milk and Evaporated Milk* shall contain not less than twenty-eight (28) per cent of milk solids and one hundred (100) per cent of such milk solids shall contain not less than twenty-seven and five-tenths (27.5) per cent of milk fat.

*Cream* shall contain not less than eighteen (18) per cent of milk fat.

*Maple Sugar* shall contain not less than sixty-five one-hundredths (0.65) per cent of maple ash in the water-free substance.

*Honey* is laevo-rotatory, contains not more than twenty-five (25) per cent of water, not more than twenty-five hundredths (0.25) per cent of ash and not more than eight (8) per cent of sucrose.

*Cloves* shall contain not more than five (5) per cent of clove stems, not less than ten (10) per cent of volatile ether extract, not less than twelve (12) per cent of quercitannic acid, not more than eight (8) per cent of total ash, not more than five-tenths (0.5) per cent of ash insoluble in hydrochloric acid, and not more than ten (10) per cent of crude fiber.

*Black Pepper* shall contain not less than six (6) per cent of non-volatile ether extract, not less than twenty-five (25) per cent of pepper starch, not more than seven (7) per cent of total ash, not more than two (2) per cent of ash insoluble in

hydrochloric acid, and not more than fifteen (15) per cent of crude fiber.

*Lemon Extract* shall contain not less than five (5) per cent of oil of lemon by volume.

*Orange Extract* shall contain not less than five (5) per cent of oil of orange by volume.

*Vanilla Extract* shall contain in one hundred (100) cubic centimeters the soluble matters from not less than ten (10) grams of vanilla bean.

*Olive Oil* has a refractive index (25°C.) not less than one and forty-six hundred and sixty ten thousandths (1.4660) and not exceeding one and forty-six hundred and eighty ten-thousandths (1.4680); and an iodine number not less than seventy-nine (79) and not exceeding ninety (90).

*All Vinegars* shall contain four (4) grams of acetic acid in one hundred (100) cubic centimeters (20°C.).

*Cider Vinegar* shall contain not less than one and six-tenths (1.6) grams of apple solids, and not less than twenty-five hundredths (0.25) grams of apple ash in one hundred (100) cubic centimeters (20°C.).

*Wine Vinegar* shall contain not less than one (1) gram of grape solids and not less than thirteen-hundredths (0.13) gram of grape ash in one hundred cubic centimeters (20°C.).

*Malt Vinegar* shall contain in one hundred (100) cubic centimeters (20°C.) not less than two (2) grams of solids and not less than two-tenths (0.2) gram of ash.

In the enforcement of this Act and the construction thereof all articles of food not defined in this Act, when offered for sale or exposed for sale, or sold, shall conform to the definition and analytical requirements of the standard adopted and promulgated from time to time by the State Food Standard Commission: *Provided*, such standards for any article of food or drink, or for any substance used or intended to be used in food or drink, shall be deemed *prima facie* evidence of the proper standard of quality, purity and strength of any

such article or substance, but shall only be deemed such *prima facie* evidence in the trial of cases brought in the proper courts to enforce the provisions of this Act.

*Provided.* That nothing in this section shall be construed to prevent the sale of any wholesome food product which varies from such standards, if such article of food be labeled so as to clearly indicate such variation.

§ 40. PRELIMINARY HEARING BY THE COMMISSIONER. When it appears from the examination or analysis that the provisions of this Act have been violated, the Food Commissioner shall cause notice of such fact, together with a copy of the findings, to be given to the party or parties from whom the sample was obtained; and to the party, if any, whose name appears upon the label as manufacturer, packer, wholesaler, retailer, or other dealer, by registered mail. The receipt of the post office department for such registered notice shall be received as *prima facie* evidence that such notice has been given. The party, or parties, so notified, shall be given an opportunity to be heard under such rules and regulations as may be prescribed as aforesaid. Notices shall specify the date, hour and place of the hearing. The hearing shall be private, and the parties interested therein may appear in person or by attorney. If, after such hearing, the commissioner shall believe this Act has been violated, he shall cause the party, or parties whom he believes to be guilty, to be prosecuted forthwith, under the provisions of this Act. No action or prosecution shall be instituted against any person for a violation of the provisions of this Act unless the same shall have been commenced within ninety days from the taking of said sample.

§ 41. PENALTY.] Any person convicted of violating any of the provisions of the foregoing Act shall, for the first offense, be punished by a fine in any sum not less than fifteen (15) dollars, and not more than one hundred (100) dollars, or by im-

prisonment in the county jail not exceeding thirty days, or by both such fine and imprisonment, in the discretion of the Court, and for the second and each subsequent offense by a fine of not less than twenty-five (25) dollars and not more than two hundred (200) dollars, or by imprisonment in the county jail not exceeding one year, or both, in the discretion of the Court; or the fine above may be sued for and recovered before any justice of the peace or any other court of competent jurisdiction in the county where the offense shall have been committed, at the instance of the State Food Commissioner or any other person in the name of the People of the State of Illinois as plaintiff and shall be recovered in an action of debt.

§ 42. JUDGMENT—ISSUING CAPIAS.] When the rendition of the judgment imposes a fine as provided in any of the sections of this Act, it shall be the duty of the Justice of the Peace or other court rendering such judgment also to render a judgment for costs and such Justice of the Peace or other Court shall forthwith issue a capias or warrant of commitment against the body of the defendant, commanding that unless the said fine and costs be forthwith paid the defendant shall be committed to the jail of the county and the constable or other officer, to whose hands said capias or warrant shall come, shall in default of such payment, arrest the defendant and commit him to the jail of the county, there to remain as provided in Section 171 of "An Act to revise the law in relation to criminal jurisprudence," in force July 1, 1885, unless such fine and costs shall sooner be paid.

§ 43. REPEAL.] All acts and parts of Acts inconsistent with this Act are hereby repealed: *Provided*, That nothing in this Act contained shall be construed as repealing the Act entitled, "An Act to regulate the manufacture and sale of substitutes for butter," approved June 14, 1897, in force July 1, 1897, or any part thereof.

Approved May 14, 1907.

In force July 1, 1907.

## FOOD AND DAIRY LAW.

AN ACT *to regulate the manufacture and sale of substitutes for butter.*

SECTION I. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That for the purpose of this Act, every article, substitute or compound or any other than [that] which is produced from pure milk or cream therefrom, made in the semblance of butter and designed to be used as a substitute for butter made from pure milk or its cream, is hereby declared to be imitation butter: *Provided*, that the use of salt and harmless coloring matter for coloring the product of pure milk or cream shall not be construed to render such product an imitation.

§ 2. No person shall coat, powder or color with annato or any coloring matter whatever, any substance designed as a substitute for butter, whereby such substitute or product so colored or compounded shall be made to resemble butter, the product of the dairy.

No person shall combine any animal fat or vegetable oil or other substance with butter, or combine therewith, or with animal fat or vegetable oil, or combination of the two, or with either one, any other substance or substances, for the purpose or with the effect of imparting thereto a yellow color or any shade of yellow so that such substitute shall resemble yellow or any shade of genuine yellow butter, nor introduce any such coloring matter or such substance or substances into any of the articles of which the same is composed.

*Provided*, Nothing in this act shall be construed to prohibit the use of salt, rennet and harmless coloring matter for coloring the products of pure milk or cream from the same.

No person shall, by himself, his agents, or employés produce or manufacture any substance in imitation or semblance of natural butter, nor sell, nor keep for sale, nor offer for sale any imitation

butter, made or manufactured, compounded or produced in violation of this section, whether such imitation butter shall be made or produced in this State or elsewhere.

This section shall not be construed to prohibit the manufacture and sale, under the regulations hereinafter provided, of substances designed to be used as a substitute for butter and not manufactured or colored as herein provided.

§ 3. Every person who lawfully manufactures any substance designed to be used as a substitute for butter, shall mark by branding, stamping or stenciling upon the top or side of each box, tub, firkin or other package in which such article shall be kept, and in which it shall be removed from the place where it is produced, in a clear and durable manner in the English language, the word "oleomargarine," or the word "butterine," or the words "substitute for butter," or the words "imitation butter," in printed letters in plain roman type, each of which shall not be less than three-quarters of an inch in length.

§ 4. It shall be unlawful to sell or offer for sale any imitation butter without informing the purchaser thereof, or the person or persons to whom the same is offered for sale, that the substance sold or offered for sale is imitation butter.

§ 5. No person, by himself or others, shall ship, consign or forward by any common carrier, whether public or private, any substance designed to be used as a substitute for butter unless it shall be marked or branded on each tub, box, firkin, jar or other package containing the same, as provided in this Act, and unless it be consigned by the carriers and receipted for by its true name: *Provided*, that this Act shall not apply to any goods in transit between foreign states across the State of Illinois.

§ 6. No person shall have in his possession or under his control any substance designed to be used as a substitute for butter, unless the tub, firkin, jar, box or other package containing the same



be clearly and durably marked as provided in this Act: *Provided*, that this section shall not be deemed to apply to persons who have the same in their possession for the actual consumption of themselves [or] their families. Every person who shall have possession or control of any imitation butter for the purpose of selling the same which is not marked as required by the provisions of this Act, shall be presumed to have known during the time of such possession or control the true character and name, as fixed by this Act, of such product.

§ 7. Whoever shall have possession or control of any imitation butter or any substance designed to be used as a substitute for butter, contrary to the provisions of this Act, for the purpose of selling the same, or offering the same for sale, shall be held to have possession of such property with intent to use it in violation of this Act.

§ 8. No action shall be maintained on account of any sale or contract made in violation of, or with intent to violate, this Act, by or through any person who was knowingly a party to such wrongful sale or contract.

§ 9. Whoever shall deface, erase or remove any mark provided by this Act, with intent to mislead, deceive, or to violate any of the provisions of this Act, shall be guilty of a misdemeanor.

§ 10. Whoever shall violate any of the provisions of this Act shall be punished by a fine of not less than \$50 nor more than \$200, or by imprisonment in the county jail not to exceed 60 days for each offense, or by both fine and imprisonment, in the discretion of the court, or the fine alone may be sued for and recovered before any justice of the peace in the county where the offense shall be committed, at the instance of any person in the name of the People of the State of Illinois as plaintiff.

§11. It is hereby made the duty of the State's Attorney of each county in this State to prosecute all violations of this Act upon complaint of any person, and there shall be taxed as his fees in the case the sum of ten dollars (\$10), which shall be taxed as costs in the case.

Approved June 14, 1897, in force July 1, 1897.



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